

## **REMARKS**

Claims 1-11 and 13-49 are currently pending in this application. Claims 14-20 and 36-49 have been withdrawn. Claims 1-11 and 21-35 have been rejected. This Amendment cancels claim 12, amends claims 1, 13, 21 and 27-31. In view of foregoing amendments and following remarks, Applicant respectfully requests allowance of the Application.

### **Claim Objections Under 37 CFR §112**

Claims 21-35 have been rejected under 35 U.S.C. §112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Independent claim 21 has been amended to recite that **"the analytic engine includes a computer processor to . . ."** Support for the amendment may be found, for example, in paragraph [0022]. A system including a computer processor is not pure software. Withdrawal of the rejections is respectfully requested.

### **Claim Rejections Under 35 U.S.C. §101**

Claims 21-35 have been rejected under 35 U.S.C. § 101 because the claimed invention is directed to non-statutory subject matter. Independent claim 21 has been amended to recite that **"the analytic engine includes a computer processor . . ."** A system including a computer processor has sufficient physical structure to be statutorily patentable. Withdrawal of the rejections is respectfully requested.

### **Claim Rejections Under 35 U.S.C. §102**

Claims 1-6, 8-10, 21-28 and 30-35 stand rejected under 35 U.S.C. § 102(e) as being anticipated by U.S. Pat. No. 7,233,908 (hereafter "Nelson"). Applicant respectfully requests withdrawal of the outstanding rejections because Nelson does not teach or suggest all elements of the pending claims.

To reject a claim under 35 U.S.C. § 102, the Office must demonstrate that each and every claim feature is identically described or contained in a single prior art reference. (*See Scripps Clinic & Research Foundation v. Genentech, Inc.*, 18 U.S.P.Q.2d 1001, 1010 (Fed. Cir. 1991)). As explained herein, it is respectfully submitted that the Office Action does not meet this standard, for example, as to all of the features of the claims.

### **Claim 1 Defines Over The Nelson Reference**

Claim 1 recites, in relevant part:

generating a target group of users for an E-survey, wherein each user of the target group has **a user profile** and is selected to the target group by **a class identifier** associated with the user profile;...

The Nelson reference fails to disclose these features. The Office Action alleges Nelson discloses an automated personnel evaluation method. However, the Nelson reference is directed to evaluating and presenting surveys ratings and reports from customers. In Nelson, survey data from customers are collected. A user in Nelson merely logs into the system and start viewing the data but does not participate in any survey. Thus, Nelson does not disclose how a target group of users may be selected for an E-survey based on **"a class identifier"** associated with **"a user profile."** Therefore, Nelson fails to disclose each and every feature recited in the independent claim 1, and the rejection should be withdrawn.

Claim 1 further recites, in relevant part:

**aggregating** E-survey results data with **other business data** into **a business information warehouse**, wherein the other business data are acquired via means other than the E-survey;...

The Nelson reference also fails to disclose these features. As described above, the Nelson reference is directed to evaluating and presenting surveys ratings and reports. The Office Action pointed to various figures (e.g., Figure 11) of Nelson to allege that Nelson discloses indicators of business performance. However, in Nelson, only survey data from customers are analyzed and presented to a user. Nelson does not disclose **"other business data"** that are acquired from sources other than survey results are **aggregated** with survey data. And there is no indication of **"a business information warehouse"** as claimed. Therefore, Nelson fails to disclose each and every feature recited in the independent claim 1, and the rejection should be withdrawn.

Claim 1 further recites, in relevant part:

**linking** the identified statistically different E-survey results data to **business key values in the business information warehouse**; and ...

The Nelson reference also fails to disclose these features. As described above, Nelson only concerns about surveys data collected from customers. The Office Action alleges Nelson discloses indicators of key business performance by pointing out to figures, such as Figures 7,

8, 11, 13b and 15. However, those figures just show how survey data may be viewed by different measurement categories. This is fundamentally different from **linking** survey result data to “**business key values in the business information warehouse**” as claimed. Indeed, as recited in the specification and dependent claim 13, “**business key values**” may be other business information other than the survey result data. Therefore, Nelson fails to disclose each and every feature recited in the independent claim 1, and the rejection should be withdrawn.

Claim 1 further recites, in relevant part:

determining whether **objectives** of strategic enterprise management (SEM) planning are being met.

The Nelson reference also fails to disclose these features. As described above, Nelson merely concerns about evaluating and presenting customer surveys data. Nelson’s assessment of the customer survey result generate some output relating to customer services, such as effectiveness of services provided, customer satisfaction. But there is no indication in Nelson about SEM planning and evaluation of whether **objectives** of SEM planning may be met. Therefore, Nelson fails to disclose each and every feature recited in the independent claim 1, and the rejection should be withdrawn.

#### **Claim 21 Defines Over The Nelson Reference**

Claim 21 recites, in relevant part:

a survey database to store survey data collected from a survey completed by a plurality of users identified in a **survey target list**, wherein each user has been identified by **a class identifier of a respective user profile**; ...

The Nelson reference fails to disclose these features. As described above with regard to claim 1, the Nelson reference is directed to evaluating and presenting customer surveys ratings and reports. In Nelson, survey data from customers are collected. Nelson does not disclose how “**a survey target list**” may be selected for a survey based on “**a class identifier**” of “**a respective user profile**” as claimed. Therefore, Nelson fails to disclose each and every feature recited in the independent claim 21, and the rejection should be withdrawn.

Claim 21 further recites, in relevant part:

a comparison database to provide **comparison data**; ...

The Nelson reference also fails to disclose these features. As described above, the Nelson reference is directed to evaluating and presenting customer surveys ratings and reports. There is no indication in Nelson of **comparison data**. Thus, Nelson does not disclose a comparison

database to provide the **comparison data** as claimed. Therefore, Nelson fails to disclose each and every feature recited in the independent claim 21, and the rejection should be withdrawn.

Claim 21 further recites, in relevant part:

**an analytic engine** to apply a comparison function to the collected survey data and the comparison data, wherein the analytic engine includes a computer processor to retrieve the collected survey data from the survey database, comparison data from comparison database and other business information, **the other business information is data external to the survey database and related to management and/or organizational purposes**; and ...

The Nelson reference also fails to disclose these features. As described above, Nelson only concerns about customer surveys data. Figures 7, 8, 11, 13b and 15 of Nelson just show how the customer survey data may be viewed by different measurement categories. Nelson does not disclose **"an analytic engine"** as claimed. Further, there is no indication in Nelson that survey data may be compared comparison data and **"other business information ...external to the survey database"** as claimed. Therefore, Nelson fails to disclose each and every feature recited in the independent claim 21, and the rejection should be withdrawn.

Claim 21 further recites, in relevant part:

an output manager to generate a report based on the applied comparison function, the report including **a link to other business key values** determined by the analytic engine based on analysis of the collected survey data, the link providing **a reason for a result in the report**.

The Nelson reference also fails to disclose these features. As described above, Nelson merely concerns about evaluating and presenting customer surveys data. Nelson's assessment of survey result generate some output relating to customer services, such as effectiveness of services provided, customer satisfaction. But there is no disclosure in Nelson about **"a link to other business key values"** as claimed. In particular, there is no indication about the link providing **"a reason for a result in the report"** as claimed. Therefore, Nelson fails to disclose each and every feature recited in the independent claim 21, and the rejection should be withdrawn.

Dependent claims 2-6, 8-10, 13, 22-28 and 30-35 are allowable for at least the same reason as described above for independent claims 1 and 21. Withdrawal of the rejection and reconsideration is respectfully requested.

### **Claim Rejections Under 35 U.S.C. §103(a)**

Dependent claim 7 has been rejected under 35 U.S.C. § 103(a) as being unpatentable over Nelson in view of Official Notice. Dependent claims 11 and 29 have been rejected under 35 U.S.C. § 103(a) as being unpatentable over Nelson in view of U.S. Pat. No. 5,909,669 (hereafter "Havens"). However, neither the Official Notice and Havens cure the deficiencies of Nelson as described above with regard to independent claims 1 and 21. The dependent claims 7, 11 and 29 depend from one of independent claims 1 and 21 respectively, and thus, are allowable for at least the same reasons as their respective base independent claims.

### **CONCLUSION**

All outstanding rejections have been overcome. It is respectfully submitted that, in view of the foregoing amendments and remarks, the application is in clear condition for allowance. Issuance of a Notice of Allowance is earnestly solicited.

Although not believed necessary, the Office is hereby authorized to charge any fees required under 37 C.F.R. § 1.16 or § 1.17 or credit any overpayments to Deposit Account No. 11-0600.

The Office is invited to contact the undersigned at 202-220-4200 to discuss any matter regarding this application.

Respectfully submitted,

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